HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

AND

HON'BLE SRI JUSTICE C.Y. SOMAYAJULU

W.A.M.P.No.4406 of 2005

And

Writ Appeal No.1963 of 2005

Between:

The Additional Dy. Inspector General

Of Police-cum-Estate Officer, Group Centre,

Central Reserve Police Force, R.R. District,

Jawaharnagar, Hakimpet,Secunderabad

And another … Appellants

And

M. Sathaiah and three others.

… Respondents

::JUDGMENT::

December 15, 2005

Per G.S. Singhvi, CJ

This is an application by the petitioners for vacating interim order dated 5-10-2005 by which the Division Bench stayed the operation of order dated 29-9-2004 passed by the learned Single Judge in WVMP No.2791 of 2004 in WPMP No.11900 of 2004 in Writ Petition No. 9269 of 2004.

We have heard learned counsel for the parties at considerable length.

A perusal of the record shows that while refusing to accept the prayer made by the appellants for vacating ex-parte ad-interim order dated 25-5-2004 passed in WPMP No.11900 of 2004 the learned Single Judge fixed the main writ petition for hearing on 25-5-2004. However, the hearing could not take place on account of pendency of the writ appeal filed by the appellants.

In our opinion, it is not proper to express any opinion on the merits of the claim set up by the applicants in the main writ petition because the same is pending before the learned Single Judge. However, keeping in view the observations made by the Bench in its order dated 5-10-2005, we do not find any justification to vacate the order dated 5-10-2005 in its entirety and feel that the ends of justice would be met by directing that the main writ petition pending before the learned Single Judge be heard at the earliest.

Consequently the application is disposed of with the following directions:

1. Writ Petition No.9269 of 2004 pending before the learned Single Judge be listed for arguments on 21-12-2005 at No.1 after part-heard case, if any.

2. Both the learned counsel are mandated to appear before the learned Single Judge on 21-12-2005 and make a request for taking up the case for hearing.

3. The learned Single Judge is requested to entertain the request made by the counsel for hearing of the petition out of turn.

4. Till the disposal of the writ petition, the parties shall maintain status quo in respect of the land in question.

In view of the aforementioned directions, the main appeal is also disposed of.

G.S. SINGHVI, CJ

C.Y. SOMAYAJULU, J

December 15, 2005

svs